

terurban electric railway companies by Chapter 15, Acts of the Thirtieth Legislature and all the powers of whatsoever kind or character conferred by said act; provided, no property upon which is located a cemetery shall ever be condemned unless it shall affirmatively be shown and so found by the court trying in such condemnation suits that it is necessary to take such property, and no other route is possible or practicable; and provided, that the electric, gas or gasoline, denatured alcohol, or naphtha railways incorporated under provisions of this act which shall engage in transporting freight shall be subject to the control of the Railroad Commission."

Sec. 2. The crowded condition of the calendar and there being no law now authorizing the incorporation of gas or gasoline, denatured alcohol or naphtha railways, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,

Austin, Texas,

Saturday, May 8, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Meachum.	Veale.
Thomas.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of

yesterday, on motion of Senator Stokes, the same was dispensed with.

Morning call concluded.

HOUSE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk Penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

HOUSE BILL NO. 51.

Senator Bryan called up House bill No. 51, which was on the table subject to call, and the Chair laid before the Senate, on second reading,

House bill No. 51, A bill to be entitled "An Act relating to, and to provide for a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 4046 of Chapter 2 of Title 87 of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The question on the bill was the pend-

ing amendment by Senator Hudspeth (see Journal of yesterday for amendment).

The amendment was lost.

Senator Masterson offered the following amendment:

Amend the bill by adding after the word "Commissioner" in Section 2, page 2, line 8, the words: "and if such remittances are not paid in due course of banking."

The amendment was lost by the following vote:

Yeas—7.

Alexander.	Terrell of McLennan.
Hudspeth.	Weinert.
Masterson.	Willacy.
Perkins.	

Nays—20.

Adams.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.

. Absent.

Meachum.	Thomas.
Real.	Veale.

Senator Bryan moved the previous question on the bill, which motion being duly seconded, was so ordered.

Bill read second time, and passed to third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Meachum.	Thomas.
Real.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Meachum.	Thomas.
Real.	Veale.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for nonresident hunters; providing that funds, received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of

the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller," with amendments.

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency," with amendments.

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency," with amendments.

Senate bill No. 35, A bill to be entitled "An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and de-

claring an emergency," with amendments.

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency," with amendments.

Also does not concur in Senate substitute for House amendments to Senate bill No. 4, and requests the appointment of a Free Conference Committee. The following has been appointed on part of the House: Messrs. Trenckmann, Baker of Hood, Mobley, Rayburn and Cureton.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Senter:

Whereas, The National Association of Credit Men, which represents and controls the credit risks of over 10,000 manufacturing, jobbing, insurance and banking institutions of the United States, will meet in annual convention June 15, 16, 17 and 18 in the city of Philadelphia; and

Whereas, The city of Dallas will extend an invitation to this great financial body to become its guests in the year 1910; and

Whereas, We would like for the commercial and banking interests of Texas to enjoy the benefits that would result from holding this meeting in Texas, as well as for the representatives of the National association to become thoroughly acquainted with the immeasurable resources of Texas; therefore, be it

Resolved, That the Senate of the State of Texas extends a cordial invitation to the said National association and its honorable board of directors to hold the next annual meeting in Texas in 1910.

The resolution was read and adopted.

HOUSE SUBSTITUTE FOR SENATE BILL NO. 4—FREE CONFERENCE COMMITTEE ON.

Senator Alexander here called up the request of the House for a Free Conference Committee on House substitute for Senate bill No. 4, and moved that the request be granted. The motion was adopted, and the Chair (Lieutenant Governor Davidson) appointed the following as the Free Conference Committee: Sena-

tors Alexander, Terrell of McLennan, Senter, Hume and Hudspeth.

SENATE BILL NO. 12—FREE CONFERENCE COMMITTEE ON.

Senator Hudspeth called up

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for nonresident hunters; providing that funds, received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller."

And moved that the Senate do not concur in the following House amendments and asked for a Free Conference Committee:

Amend the caption of Senate bill No. 12 by striking out of the caption of the bill after the word "Comptroller," in line 35, down to and including the word "emergency," in line 39.

Also amend Senate bill No. 12 by striking out all that part of the bill after the word "herein," in line 25, from there down to and including the word "State," in line 40, page 3.

Amend Senate bill No. 12 by striking out the emergency clause.

Amend Senate bill No. 12, page 3, line 23, by inserting after the word "Commissioner" the following: "Or any other person or persons on whose lands said person or persons are found hunting or to any person who has the land under their control."

Amend Senate bill No. 12, page 3, lines 4, 5 and 6 of the printed bill, by striking out all after the word

"State," in line 4, down to and including the word "resides," in line 6, and insert the following: "Except in the county of his residence, or in the counties adjoining the county of his residence, or on land owned or controlled by him."

The motion to nonconcur was adopted, and the Chair appointed the following as the Free Conference Committee: Senators Hudspeth, Watson, Peeler, Kellie and Willacy.

SENATE BILL NO. 35—FREE CONFERENCE COMMITTEE ON.

Senator Terrell of Bowie called up

Senate bill No. 35, A bill to be entitled "An Act amending Section 8, of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-eighth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and declaring an emergency,"

And moved that the Senate do not concur in the House amendments, and asked for a Free Conference Committee.

Amend Senate bill No. 35 as follows:

Strike out on page 4, Section 8, all of line 12 after the word "assume," and all of line 13 and the word "intent" in line 14, the following:

"And shall have been made with fraudulent intent."

The motion to non-concur prevailed, and the following is the Free Conference Committee: Senators Terrell of Bowie, Brachfield, Sturgeon, Hayter and Mayfield.

HOUSE BILL NO. 32.

Senator Stokes called up House bill No. 32, which was on the table subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 32, A bill to be entitled "An Act to appropriate the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary, from the general revenues of the State, to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such money shall

be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency."

The committee report that the bill be not printed was adopted.

(Senator Real in the chair.)

Senator Hume offered the following amendment:

Amend House bill No. 32 by striking out of Section 1, after the word "purpose," the following: "and any money so used shall be returned to the general revenue of the State from any available net revenues of the penitentiary system within eighteen months after the passage of this act. This appropriation shall not be considered as a charge against the general revenues of the State, and the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years of 1909 and 1910."

HUME,

SENTER.

Senator Harper offered the following substitute for the amendment:

Amend the bill by striking out all after the word "purpose" in Section 1, and substituting the following:

"Provided all net revenues received from the operation of the iron industry at the State penitentiary at Rusk during the next two years shall be paid into the Treasury biennially."

HUME,

HARPER.

The substitute was adopted.

The amendment, as substituted, was then adopted.

Senator Senter offered the following amendment:

Amend the bill by adding at the end of Section 1, the following words:

"Such appropriation shall be used only for the benefit of the iron industry, and for no other purpose. The Penitentiary Board shall be, and it is hereby authorized to make a contract with any person, firm or corporation whereby a plant for the manufacture of steel shall be established by such person, firm or corporation at Rusk which will utilize in whole or in part in the manufacture of steel, the output of the iron industry operated by the State, and to make agreement in such contract for the sale

of such iron products to such person, firm or corporation, for such period, under such conditions, and upon such terms as may seem to said board to be expedient and necessary to induce the establishment of a plant for the manufacture of steel at such place, and to make agreement in such contract for the employment of convicts in the operation of such steel plant, if they are desired by the managers thereof. Any such contract shall not become effective until approved by the Governor."

SENTER,

HUME,

TERRELL of McLennan.

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by inserting between the words "purpose" and "the" in line 2, the following: "and under no circumstances shall any part of such appropriation be used for the benefit or use of the State railroad."

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

Senator Harper offered the following amendment, which was read and adopted:

Amend House bill No. 32 by striking from the caption the following:

"Providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910," and adding the following in lieu thereof: "providing that all net revenues shall be paid into the Treasury biennially."

HUME,

SENTER;

HARPER.

SIMPLE RESOLUTION.

By Senator Perkins:

Whereas, The Senate of Texas has at last gone Republican, Hon. Julius Real, presiding, for the first time in the history of this great imperial State; therefore, be it

Resolved, That we congratulate the Senate in having such a sane, sound and safe presiding officer, Republican, though he may be, and hereby extend our best wishes, as well as sympathy,

in this, the first great ordeal for Texas, from a Republican standpoint.

PERKINS,
PAULUS,
WEINERT,
HUDSPETH.

The resolution was read and adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 60, A bill to be entitled "An Act to repeal Article 762, Chapter 6, Title 8 of the Code of Criminal Procedure of the State of Texas."

House bill No. 4, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; and known as the State Banking Law, providing additional safeguards for the protection of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board, to close and take possession of the property and business of such institutions, and providing for their liquidation; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examinations and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon

which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract, or wilfully misapply its money, funds or securities, or to issue evidence of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention, or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk, or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Real) had referred, after their captions had been read, the following House bills (see above House Message for captions):

House bill No. 60, referred to Judiciary Committee No. 2.

House bill No. 4, referred to Committee on Insurance, Statistics and History.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 12. The following have been appointed on part of the House: Messrs. Munson, McCallum, Flournoy, Terrell of Cherokee, and Goodman.

Also does not concur in Senate amendments to House bill No. 18, and requests the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Crockett of Washington, Cox, Stamps, Gilmore, and Robertson of Erath.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 18—FREE CONFERENCE COMMITTEE ON.

Senator Willacy here moved that the Senate grant the request of the House for a Free Conference Committee on House bill No. 18. The motion was adopted, and the following is the committee: Senators Willacy, Weinert, Peeler, Harper and Terrell of Bowie.

SENATE BILL NO. 41—HOUSE AMENDMENTS CONCURRED IN.

Senator Hudspeth called up

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 41, page 7, by inserting the words "as amended by Chapter 145, Acts of the Thirtieth Legislature," after the word "Legislature," in line 6 of the caption of the bill.

Amend Section 7 of the bill by inserting the following after the word

"Legislature," in line 19: "As amended by Chapter 145, Acts of the Thirtieth Legislature."

The motion to concur was adopted.

SENATE BILL NO. 18—FREE CONFERENCE COMMITTEE ON.

Senator Watson called up

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses, arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

And moved that the Senate do not concur in the following House amendments, and asked for a Free Conference Committee:

Amend Senate bill No. 18, Section 3, by adding at the end thereof the following: "and it shall be the duty of the Commissioner of Insurance and Banking to revoke the certificate of authority of any such surety company or agent thereof so violating any of the provisions of this act."

The motion to non-concur prevailed, and following is the Free Conference Committee: Senators Watson, Peeler, Meachum, Adams and Hudspeth.

SENATE BILL NO. 7—HOUSE AMENDMENTS CONCURRED IN.

Senator Masterson called up

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 7 as follows: By striking out of lines 22 and 23 the words "and the Tyler city subsidy bond account."

By striking out of lines 32, 33 and 34, the words "and the further fact that an item of 40 cents has been carried on

the books for twenty years to the credit of the Tyler city subsidy bond account entailing needless bookkeeping."

Amend the caption, line 18, by striking out the words "and the Tyler city subsidy bond account."

By striking out the word "food" at the beginning of line 22, and insert in lieu thereof the word "feed."

By adding, in line 24, after the word "Texas," the following: "Except so much of the pure feed fund as may have accrued since the 12th day of July, 1907, and the State Treasurer is hereby authorized and directed to pay over to the Treasurer of the A. and M. College of Texas so much of said fund as may have accrued since July 12, 1907, and now held by the State Treasurer to the credit of said fund."

By adding at the end of line 29, after the word "Treasurer" the following: "Except so much of the pure feed fund as shall accrue prior to July 12, 1900, which, if any, shall be paid into the State Treasury, shall be paid over to the treasurer of the A. and M. College."

Amend the caption to Senate bill No. 7, by striking out all after the words "A bill to be entitled," and insert in lieu thereof the following:

"An Act transferring to the general revenue of the State all money now to the credit of the pure feed fund, and the quarantine fees fund, Galveston station, except so much of the pure feed fund as may have accrued since the 12th day of July, 1907, and providing that all revenue hereafter paid into the State Treasury to the credit of either of said accounts, except so much of the pure feed fund as shall accrue prior to July 12, 1900, shall forthwith be transferred to and become a part of the general revenue of the State, and declaring an emergency."

Strike out in lines 17 and 18 and in line 22, the following words: "Quarantine fees funds, Galveston Station."

Strike out in line 17, after the word "fund," the following words: "Quarantine fees fund, Galveston Station."

The motion to concur prevailed by the following vote:

Yeas—25.

Adams.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofe.	Kellie.
Greer.	Masterson.
Harper.	Mayfield.
Hayter.	Meachum.

Paulus.	Terrell of Bowie.
Peeler.	Ward.
Perkins.	Watson.
Real.	Weinert.
Senter.	Willacy.
Sturgeon.	

Absent.

Alexander.	Terrell of McLennan.
Murray.	Thomas.
Stokes.	Veale.

EXCUSED.

On account of important business:

Senator Meachum for yesterday, on motion of Senator Willacy.

BILL ON FIRST READING.

By Senators Watson and Meachum:

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4 of an act passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates, and to fix suitable penalties for the violation of this act, and declaring an emergency,' which said act was known as Senate bill No. 111; and to provide that all nurses who were engaged in nursing at the time of the passage of this act and who shall show to the satisfaction of said board that they are of good moral character and were graduated prior to April 1, 1909, from a training school connected with a general hospital or sanitarium giving two years general training, or prior to the year 1901, having given eighteen months general training and who maintain in others respects, proper standards, shall be entitled to registration without examination."

Read first time, and referred to Judiciary Committee No. 2.

HOUSE BILL NO. 32.

Action occurred on House bill No. 32, and Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting before the words "and declaring an emergency" the following words: "And providing that the penitentiary board shall have authority to make a contract with any person, firm or corporation for the establishment by such

person, firm or corporation of a steel plant at Rusk, and for the sale to the owners thereof of the product of the iron industry owned by the State, and for the use of convict labor in the operation of such steel plant, which contract shall be subject to approval by the Governor."

(Lieutenant Governor Davidson in the chair.)

Bill read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Murray.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Murray.	Veale.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 72, A bill to be entitled "An Act to amend Section 114 and Section 120 of Chapter 2 of the Acts of the First Called Session of the Twentieth Legislature, as amended by Chapter 177 of the Acts of the Thirtieth Legislature of 1907, relating to elections, manner of holding, and prescribing the duties of the district chairman and executive committee of the various districts, and prescribing mode of canvassing the returns and declaring result in districts composed of only one county, and repealing all laws in conflict herewith."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption of):

House bill No. 72, referred to Committee on Privileges and Elections.

HOUSE BILL NO. 39.

On motion of Senator Cofer, the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 39, by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander. Thomas.
Terrell of McLennan. Veale.

(President Pro Tem. Murray in the chair.)

On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—28.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Alexander. Veale.
Thomas.

The Chair laid before the Senate, on second reading,

House bill No. 39, A bill to be entitled "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union passenger depots; providing penalties; and declaring an emergency."

The committee report, with amendments, and that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Masterson.
Greer.	Mayfield.
Harper.	Meachum.
Hayter.	Murray.
Holsey.	Paulus.

Peeler.	Terrell of Bowie.
Perkins.	Terrell of McLennan.
Real.	Ward.
Senter.	Watson.
Stokes.	Weinert.
Sturgeon.	Willacy.

Absent.

Alexander. Veale.
Thomas.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Alexander. Veale.
Thomas.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

Senator Kellie moved that the Senate recess until 3 o'clock today.

The motion was adopted by the following vote:

Yeas—19.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Nays—9.

Cofer.	Mayfield.
Greer.	Perkins.
Holsey.	Real.

Terrell of Bowie. Ward.
Terrell of McLennan.

Absent.

Alexander. Veale.
Thomas.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 5.

Action here recurred on House bill No. 5 (see former proceedings today for caption of).

There being a favorable majority committee report and an adverse minority committee report with a favorable substitute bill,

Senator Senter moved to adopt the minority committee report.

Pending discussion, Senator Senter withdrew the motion to adopt the minority committee report.

The majority committee report was then adopted, on motion of Senator Brachfield.

(President Pro Tem Murray in the chair.)

Senator Senter offered the following amendment:

Amend the bill by adding two new sections to be numbered 4 and 5, and renumbering the other sections accordingly, said new sections to read as follows:

"Section 4. The Board of Penitentiary Commissioners shall be authorized, and it is hereby made their duty to complete to the town of Palestine the said railroad owned by the State as speedily as practicable. When said railroad shall be completed to the town of Palestine, it shall be the duty of the Penitentiary Commissioners to advertise the same for sale by giving notice thereof in at least three daily newspapers published in the State of Texas and in at least one daily newspaper published in the city of New York. Said railroad shall be sold either at public or private sale under conditions as to terms and with respect to all other matters relating thereto as may be fixed by the Board of Penitentiary Commissioners; provided that the selling price shall not be less than \$15,000 per mile, including the rolling stock and other appurtenances thereof.

"Sec. 5. When said railroad shall be

sold as herein provided for the proceeds shall be appropriated:

"1. To the repayment of the permanent school fund of the amount used out of the appropriation herein made for the completion of said railroad and for the taking up of the bonds issued therefor under the provisions of this act.

"2. The remainder of the proceeds of the sale of the railroad shall be deposited in the State Treasury to the credit of the penitentiaries, to be used and appropriated as any other proceeds of operation of the penitentiaries."

SENTER,
MURRAY,
HUME.

Senator Bryan moved to table the amendment, which motion to table was lost by the following vote:

Yeas—7.

Bryan.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	Ward.
Stokes.	

Nays—16.

Adams.	Masterson.
Alexander.	Murray.
Cofer.	Paulus.
Harper.	Peeler.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Weinert.

Absent.

Greer.	Thomas.
Holsey.	Veale.
Perkins.	Willacy.

PAIRED.

Senator Brachfield (present), who would vote "yea," with Senator Watson (absent), who would vote "nay."

The amendment was then adopted.

Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting just before the words "and declaring an emergency" the following words: "And providing for the sale of said road by the Board of Penitentiary Commissioners and for the disposition of the proceeds arising from the sale thereof."

Bill read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended and

the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—2.

Bryan.	Sturgeon.
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Absent.

Greer.	Veale.
Holsey.	Watson.
Perkins.	Willacy.
Thomas.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of
Kellie.	McLennan.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	

Nays—1.

Bryan.

Present—Not Voting.

Sturgeon.

Absent.

Greer.	Veale.
Holsey.	Watson.
Perkins.	Willacy.
Thomas.	

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1900.

Hon. A. B. Davidson President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 39.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 18. The following has been appointed on part of the House: Messrs. Robertson of Travis, Wortham, Schluter, Jennings and Fitzhugh.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 35. The following has been appointed on part of the House: Messrs. Cable, Reedy, Vaughan, Chaney and McCallum.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL SIGNED.

The Chair (President Pro Tem. Murray) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 51, "An Act relating to, and to provide for a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 4046 of Chapter 2 of Title 87 of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 4:30 o'clock p. m., adjourned until 10 o'clock a. m. Monday.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 53, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the State Treasurer, and the duties of his employes; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties, requiring the chief clerk to give bond; providing methods for the receiving and handling of all bonds, funds, warrants, and other claims; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be not printed.

Peeler, Chairman; Stokes, Ward, Bryan, Sturgeon, Cofer, Perkins.

Committee Room,

Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 39, A bill to be entitled "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union passenger depots, providing penalties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, with the following amendment, and be not printed:

Amend House bill No. 39, page 1, Section 1, by inserting in line 11 of said section, after the word "town," the following:

"Provided, that it shall appear to the Railroad Commission that the construction and maintenance of such joint or union passenger depot, are just and reasonable to the railroad companies involved, and demanded by the public interest."

BRACHFIELD, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Monday, May 10, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Sturgeon. Veale.
Thomas.

Prayer by Rev. Reed.

Pending the reading of the Journal of Saturday, on motion of Senator Hayter, the same was dispensed with.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 32 by the following vote: Yeas, 89; Nays, 4.

Also, does not concur in Senate amendments to House bill No. 5, and requests the appointment of a Free Conference Committee. The following was appointed on part of the House: Messrs. Terrell of Cherokee, Bell, Elliott, Brownlee, and O'Bryan.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.